

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

**ORDER RE ORACLE'S  
OBJECTION RE SIMON PHIPPS**

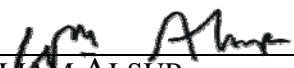
Defendant.

Simon Phipps will be allowed to testify to percipient facts and historical events known to him personally while he was at Sun, including Sun's practices concerning reimplementing APIs and Sun's attitude and interrelationship with OpenJDK, Apache Harmony, and GNU Classpath. Apart from the above, he will *not* be allowed to testify as to the customs, practices, or expectations of programmers or attitudes in the industry outside of Sun. Be aware that custom and practice by programmers in calling a method within an API is not the same thing as reimplementing an API.

To the foregoing extent, Oracle's objection is **SUSTAINED IN PART AND OVERRULED IN PART.**

**IT IS SO ORDERED.**

Dated: May 11, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE